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October 21, 2024

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### **Via ECF and Electronic Mail**

The Honorable Vincent F. Papalia  
United States Bankruptcy Judge  
District of New Jersey  
50 Walnut Street, Courtroom 3B  
Newark, New Jersey 07102

Re: **Bed Bath & Beyond, Inc.,  
Case No. 23-13359 (VFP)  
Sixth Joint Status Report - Stay Relief Motions  
and Personal Injury Claim Resolution Procedures  
Motion**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the "Plan Administrator") to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor's request for a joint status report in connection with the parties' progress in formulating estimation or resolution procedures<sup>1</sup> in connection with personal injury claims (the "PI Claims"). We previously provided you with a status update on September 23, 2024, which appears on this Court's Docket at Docket No. 3535.

Per Your Honor's direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the "Parties"), worked through various issues

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<sup>1</sup> Capitalized terms not defined herein shall have the same meaning ascribed to them in the May 30, 2024, correspondence to the Court, filed at Docket No. 3304, or as otherwise provided herein.



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with the hope that we could alleviate the need for costly and time-consuming procedures.

To this end, with respect to the Duczkowski claim(s), the parties recently filed a joint stipulation [Docket No. 3581], providing limited stay relief for the purpose of allowing mediation to proceed. However, the Plan Administrator and Mr. Zeve have been unable to reach a resolution regarding his claim(s) or his motion for relief from the automatic stay and for modification of the plan injunction [Docket No. 2936] (the "Zeve Motion").

This Court previously established a status conference on the PI Claims and as a carry date on the Motions (the "Status Conference"), which is currently set for October 22, 2024, at 10:00 a.m. The Parties hereby request a brief continuance of the Status Conference to October 23, 2024, at 10:00 a.m., or as soon thereafter as the Court is available, to discuss various issues regarding the PI Claims and the setting of a hearing date on the Zeve Motion.

Respectfully submitted,

*/s/ Paul J. Labov*

Paul J. Labov

PJL

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